

Port of Cape Flattery

Land Use Plan 2017



Citation and Commencement

This Land Use Plan may be cited as *Port of Cape Flattery Land Use Plan 2017*.

The Land Use Plan for the Port of Cape Flattery was approved by the Minister for Transport and Main Roads on 16 August 2018.

A notice was published in the Government Gazette No. 101 on 31 August 2018.

The Land Use Plan for the Port of Cape Flattery commenced on 31 August 2018.

Ports North

Far North Queensland Ports Corporation Limited, trading as Ports North, is a Queensland Government Owned Corporation responsible for the development and management of the declared Ports of Cairns, Cape Flattery, Karumba, Mourilyan, Skardon River, Quintell Beach, Thursday Island, Burketown and Cooktown.

Ports North's operations and facilities are vital to the economic development of the regional centres they service and the State's tourism and export performance.

Our ports handle bulk shipments of sugar, molasses, silica sand, minerals, fuel, fertiliser, log product, livestock and general cargo.

Ports North also has extensive marina and tourism facilities, particularly in Cairns.

Ports North has a range of strategic land holdings, including approximately 207 hectares of freehold and 807 hectares of leasehold strategic port land and properties across its ports.

The shareholding Ministers are the Government Owned Corporations Minister and the Portfolio Minister as defined in the Government Owned Corporations Act 1993.

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Land Use Plan Version

Version	Date	Purpose	Author	Reviewer	Approval Date
1	13/12/2017	Ministerial Approval	WW	MC	16/08/2018

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I. Purpose of this Land Use Plan

The *Transport Infrastructure Act 1994* requires port authorities to prepare and implement Land Use Plans to guide the future development and operations of their strategic port land.

The Port of Cape Flattery Land Use Plan (LUP) provides the planning framework for development on all strategic port land at the Port of Cape Flattery.

In accordance with the *Transport Infrastructure Act 1994*, the Port of Cape Flattery LUP:

- in Schedule 1 and mapped in Appendix A, specifies the strategic port land at the Port of Cape Flattery, including current and proposed uses of the land;
- states that there is no additional land proposed as strategic port land;
- in Section 2 and mapped in Appendix A, coordinates and integrates the core matters relevant to the LUP;
- in Section 3, identifies the port vision and desired environmental outcomes for the land; and
- in Section 4, includes measures that will help achieve the desired environmental outcomes, expressed as Precinct Intents.

The LUP is supported by Port Development Codes, contained at *Appendix B*. The Port Development Codes provide performance criteria and acceptable solutions to ensure development delivers the strategic outcomes sought by the LUP and complies with the intents of the Precincts.

I.1 Coordinating and Integrating Core Matters

The *Transport Infrastructure Act 1994* specifies that core matters must be coordinated and integrated into the LUP. Core matters relate to land use and development, port facilities and valuable features.

All new development and operations must comply with the LUP and will be subject to the requirements of a range of State legislation including, but not limited to, the *Planning Act 2016*, the *Environmental Protection Act 1994*, the *Aboriginal Cultural Heritage Act 2003* and/or the *Torres Strait Islander Cultural Heritage Act 2003*.

Furthermore, any new development proposed which may have an impact on Matters of National Environmental Significance may also be subject to the *Environment Protection and Biodiversity Conservation Act 1999* at the federal level.

I.2 Relationship with the Planning Act

While the *Transport Infrastructure Act 1994* establishes the jurisdiction for Ports North to prepare a LUP for the Port of Cape Flattery, the process by which development on port land is approved is governed by the *Planning Act 2016*

Under the *Planning Act*, the Port Authority is the assessment manager for development on its respective port land. Accordingly, prior to development occurring on port land, consent must be obtained from the Port Authority either a) confirming development is accepted and does not require approval or b) issuing a development permit for a development that is code or impact assessable. Certain developments may also require other approvals as identified in Schedule 10 of the *Planning Regulation 2017* and referral to the State government for assessment and approval.

The development assessment process is outlined in Section 5.

2. Strategic Context and Interests

2.1 Regional Context

The Port of Cape Flattery is located on the east coast of the vast and sparsely populated Cape York Peninsula. Cairns is the nearest city, with Hope Vale and Cooktown the closest towns. The port is presently used to export silica sand from the adjacent mine area.

The local economy is dominated by the mining industry, with grazing dominant in the regional economy and landscape. Government is the main employer in the region, along with a growing nature-based tourism sector.

2.2 Environmental Context

The Port of Cape Flattery and surrounding port limits comprise of a diverse range of ecosystems. Habitats of significance include the Great Barrier Reef World Heritage Area, Crystal Creek, Blackwater Creek, foredunes, sandy beaches, rocky shores, mangrove and tidal wetlands, seagrass meadows and coral reefs. These habitats support a range of flora and fauna, including a number of threatened and/or migratory species.

Environmental values are mapped for the Port of Cape Flattery in *Appendix A*, responding to the State Planning Policy Plan Making Mapping.

2.2.1 Coastal Environment

Inter-tidal habitats closest to the Port consist of sandy beaches, boulder beaches and low rocky platforms, and includes hermit crabs, snails on the sandy shores, barnacles snails, rock oyster, limpets and chitons on boulder beaches, and mussels, barnacles, oysters and cnidarians on rocky platforms. Sandy beaches to the north of the Port also provide important turtle nesting areas.

Seagrass meadows are located in the inter-tidal areas north of Cape Flattery and Point Lookout. Dugong have been recorded off Cape Flattery, particularly in the northern regions of port limits as well as various turtle species.

Coral reefs in the port area include both inshore reefs and coastal fringing reefs, with fringe reefs supporting typical reef species assemblages. Narrow coastal fringing reefs front part of the north facing portion of Cape Flattery and much of the east facing part of Flattery Beach, which extends to Point Lookout.

Deep offshore areas from Cape Flattery are generally worked by prawn trawlers.

2.2.2 Coastal Vegetation

Mangrove wetlands are a feature of the port area and are the dominant type of vegetation along sheltered foreshore areas with sand/mud substrate between Cape Flattery and the mouth of Blackwater Creek.

2.2.3 Marine Parks and Areas of Significance

The Great Barrier Reef World Heritage Area covers the waters to the low water mark along the coastline. The Port of Cape Flattery itself is not included within the World Heritage Area; however its port limits are within the area. The Great Barrier Reef Marine Park is also located along the coastline. The Port and immediate surrounding waters around the headland are outside the limits of the marine park; however the remaining port limits within Flattery Harbour are identified within the General Use Zone and the area adjoining the coastline within the Habitat Protection Zone under the *Great Barrier Reef Marine Park Zoning Plan 2003*. Decapolis Reef, which is located in the north-eastern limits of the Port is within the Marine National Park Zone.

The federal government has identified a number of endangered species within the area which include the southern cassowary, gouldian finch, golden-shouldered parrot, buff-breasted button quail, painted snipe, semon's leaf-nosed bat, bare-rumped sheath-tail bat, greater large-eared horseshoe bat, lace-eyed frog, waterfall frog, armoured mistfrog, mountain mistfrog, common mistfrog, northern quoll, spotted-tailed quoll, northern bettong, loggerhead turtle, leatherbacked turtle, pacific ridley turtle and blue whale.

There are no RAMSAR sites within port limits.

2.2.4 Natural Hazard Risk and Resilience

The Port of Cape Flattery is within an area identified as subject to bushfire risk and erosion hazard.

2.3 State Interests

2.3.1 State Planning Policy

The Minister responsible for ports under the Transport Infrastructure Act has identified that the state planning policy is integrated in the LUP in the following ways.

State interests in the state planning policy appropriately integrated:

- Economic Growth
 - » Mining and Extractive Resources
- Environment and Heritage
 - » Biodiversity
 - » Coastal Environment
 - » Water Quality
- Safety and resilience to hazards
 - » Natural Hazards, Risk & Resilience

State interests in the state planning policy not integrated:

None applicable

State interests in the state planning policy not relevant to the Port of Cape Flattery:

- Liveable Communities and Housing
 - » Liveable Communities
 - » Housing
- Economic Growth
 - » Agriculture

- » Development and Construction
- » Tourism
- Environment and Heritage
 - » Cultural Heritage
- Safety and resilience to hazards
 - » Emissions and hazardous activities
- Infrastructure
 - » Energy & Water Supply
 - » State Transport Infrastructure
 - » Strategic airports and aviation facilities
 - » Strategic Ports

2.4 Regional Plans

Regional Plans express State Interests to ensure broad regional outcomes are achieved through the application of state policy at a local level.

The *Cape York Regional Plan 2014* applies to the Port of Cape Flattery. The regional plan includes the Port in the General Use Area, which accommodates a range of land use and development outcomes. The regional plan recognises the Port and its silica export function.

3. Desired Environmental Outcomes

3.1 Port Vision

Our vision for the Port of Cape Flattery is:

The sustainable and responsible development of strategic port land that facilitates regional economic growth and efficient port operations for the ongoing benefit of port users, the Cape York region and Queensland.

3.2 Desired Environmental Outcomes

The Desired Environmental Outcomes seek to achieve the Port Vision. All new development and operations on strategic port land must achieve the following Desired Environmental Outcomes.

3.2.1 Economic Development:

3.2.1.1 A Prosperous Port

Development strengthens existing trade-related port activities, responds to market demands and stakeholder needs, and supports industries that provide employment opportunities for the region.

- The Port's role as a key economic generator for the region is reinforced and protected.
- Infrastructure and port services meet the needs of existing and future port users.
- The Port is responsive to changes in user demands, economic drivers and global market trends.

3.2.2 Essential Facilities & Infrastructure

3.2.2.1 Port Operations

Development protects and enhances the core port operations and facilities, with future development supporting the needs of port users and the region.

- Development that is directly related to, or supports port services and activities is facilitated.
- Development is undertaken in an orderly and systematic manner, with new development integrating with existing development.
- Complementary port services and activities are consolidated or co-located.
- The ongoing operation of the Port is not compromised by inappropriate development or incompatible uses.

3.2.2.2 Infrastructure & Services

Development is sequenced and planned to minimise infrastructure costs without compromising the operational needs and services of the Port.

- Development is undertaken in a manner that supports the efficient, orderly and timely provision of infrastructure

- Development is connected to a reticulated water supply and sewerage infrastructure in line with generated demand.
- Where connection to reticulated networks is unavailable, sustainable on-site waste water disposal, water supply and electricity supply is provided.

3.2.2.3 Transport Network

Development maximises accessibility and efficiency of transport networks to, from and within the Port.

- The current and future function of higher order roads and freight networks is maintained and protected.
- Development does not result in significant additional strain on transport networks without appropriate mitigation.
- Sufficient vehicle parking, access and manoeuvring areas are provided to accommodate the operational requirements of development.

3.2.2.4 Regional Infrastructure – Electrical Substations

Development protects key infrastructure sites and corridors.

- Existing electrical substations are protected from incompatible development to ensure the safety and reliability of existing networks.

3.2.3 **Natural Environment**

3.2.3.1 Biodiversity

Development maintains areas of state environmental significance and where located in or adjacent to such areas development is planned, designed, constructed and operated to minimise or prevent the loss or degradation of the area's ecological values.

- Development within areas containing matters of state environmental significance is minimised or avoided where practicable.
- Development is located to minimise significant adverse impacts on areas containing matters of state environmental significance.
- Development maintains buffers around sensitive areas.

3.2.3.2 Coastal Environment

Development protects areas critical to the maintenance of coastal processes and associated long-term stability and functioning of the coast.

- Coastal resources, processes and areas, including foreshores, coastal wetlands and marine ecosystems are protected and managed.

3.2.3.3 Coastal Landscapes

Development maintains, as far as practicable, the scenic amenity values of important natural coastal landscapes.

- Development protects identified world heritage areas, regionally significant and locally important coastal landscapes.

3.2.3.4 Flooding

Development responds to the tropical climate and incidence of flooding by providing sufficient drainage infrastructure and implementing best-practice mitigation measures.

- Development avoids and mitigates risks to property damage and public safety.
- Development is designed and constructed to tolerate, not worsen, and adapt to flood events.
- Infrastructure functions effectively during and after flood events.
- Development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

3.2.3.5 Natural Hazards

Development is resilient to the potential effects of natural hazards and protects health and safety by avoiding areas that are at significant risk of hazard.

- Development avoids and mitigates risks to property damage and public safety.
- Development is designed and constructed to tolerate, not worsen, and adapt to natural hazards.
- Infrastructure functions effectively during and immediately after natural hazard events.
- Development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.

3.2.3.6 Acid Sulfate Soils

Development on land that is vulnerable to the generation and release of leachate from acid sulfate soils avoids or minimises the disturbance of those soils

- The release of contaminants associated with acid sulfate soils is mitigated so that impacts to water quality are avoided.

3.2.4 Community & Amenity

3.2.4.1 Community Wellbeing

The Port is a community leader and operates in a socially responsible manner.

- The Port provides a high level of service to the communities of the Cape York region.
- Port operations prioritise the safety and security of all employees and visitors on port land.
- Access for indigenous persons is maintained to culturally significant places and landscapes where this does not compromise safety or security.
- Incompatible port services and activities are separated and buffered, to the extent practicable, from adjoining sensitive uses.
- Community and environmental amenity and potential impacts from port services and activities is considered and mitigated.
- Sustainable technologies and practices are incorporated into port activities to decrease long term operating costs and reduce the Port's environmental footprint.

3.2.4.2 Cultural Heritage

Places of cultural heritage significance are important and highly valued areas of the Port that reflect the identity of the community.

- Places of cultural heritage significance are protected.
- Where applicable, development with the potential to affect places of indigenous cultural heritage significance is undertaken in collaboration with traditional owners.
- Traditional owner access to places of indigenous cultural heritage significance is provided.

4. Precincts

Precincts organise the LUP area in a way that facilitates the location of preferred or acceptable land uses. The following is the precinct for the LUP:

- Waterfront Port Industry Precinct

The Precincts plan is included in *Appendix A*.

The levels of assessment for development in a precinct are in **Section 5**.

The intent and purpose of the precinct is as follows.

4.1 Waterfront Port Industry Precinct

The Waterfront Port Industry Precinct is intended to accommodate the core commercial business and infrastructure of the port, specifically marine orientated activities and uses for which proximity to the waterfront is essential. Ancillary non-core port activities which support waterfront port operations and that do not compromise the long-term use of the Precinct for waterfront port operations may also be established. Preferred uses include, but are not limited to wharf side areas directly associated with the loading, unloading and transporting of commodities and/or the transferring of goods.

5. Development Assessment Process

5.1 Port Assessable Development

5.1.1 Assessable Development

The LUP states the categories of development applicable to all development on Strategic Port Land and in the Strategic Port Land Tidal Area. Consistent with the Planning Act, the development may be:

- Accepted development, for which a development approval is not required, or
- Assessable Development, which requires a Development Permit and will be subject to either Code Assessment or Impact Assessment.

The level of assessment applicable to a proposed development is determined by the *Planning Act 2016*, the *Planning Regulation 2017* and the LUP. The LUP does not include any prohibited development.

Development which is inconsistent with or made assessable by the LUP requires a development approval. Inconsistent development also triggers referral under the *Planning Regulation 2017* for assessment by the Minister for Transport against the purposes of the *Transport Infrastructure Act 1994*.

5.1.2 Ports North Role

Development proposals must be submitted to Ports North for review, addressing land use consistency with the LUP and demonstrating compliance with the relevant assessment requirements.

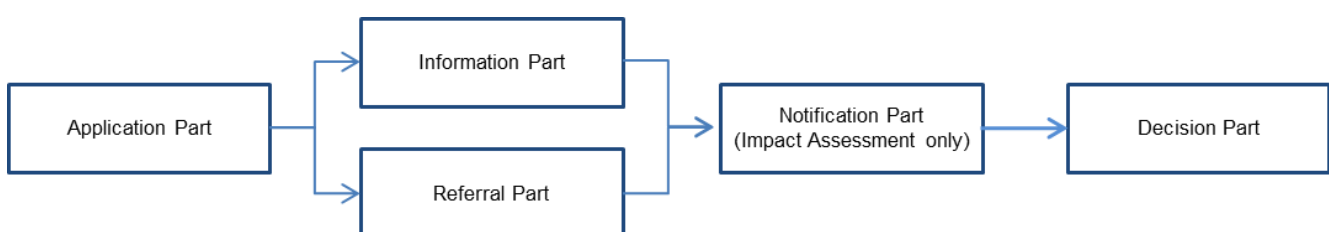
Ports North will then provide advice which confirms:

- (a) consistency or inconsistency with the LUP;
- (b) compliance with the relevant assessment criteria and if necessary, areas of non-compliance;
- (c) assessable development status and if assessable the Level of Assessment, application requirements and anticipated referrals; and
- (d) land owners consent where Ports North is the land owner.

For assessable development in the Strategic Port Land or Strategic Port Land Tidal Area, Ports North acts as the Assessment Manager in line with the provisions of the Planning Act.

Development applications submitted to Ports North are determined under the planning assessment process, which in outline form, is shown below.

Figure 5.1 – Assessment Process



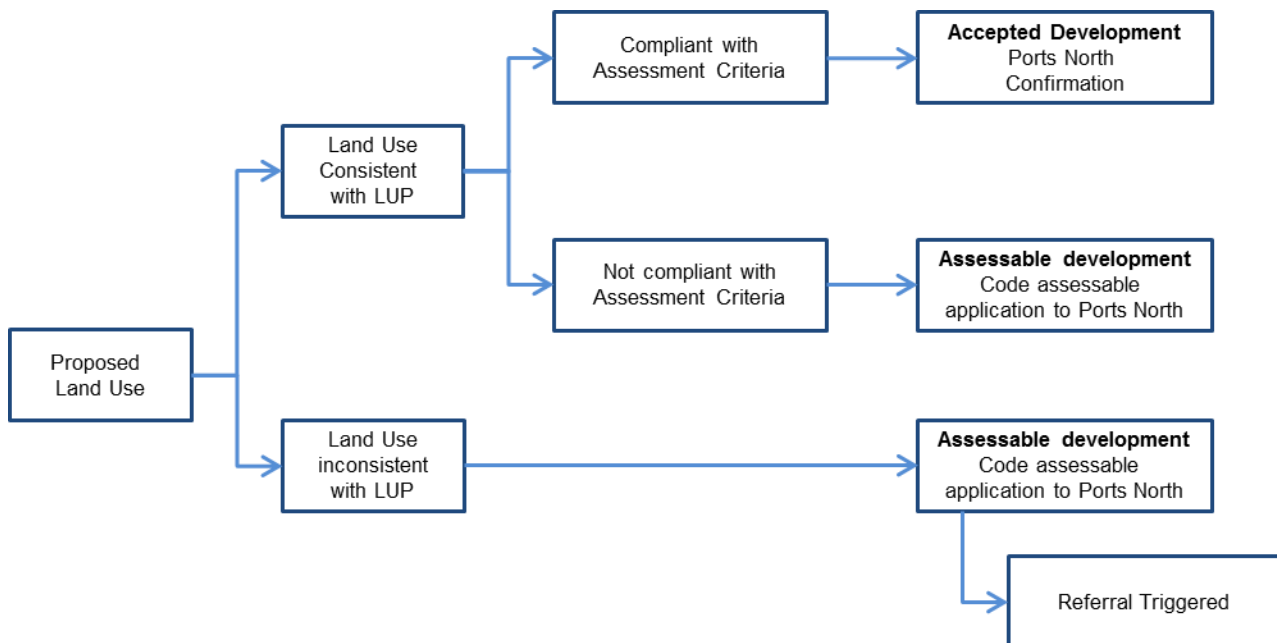
5.1.3 Land Use Plan Consistency

Ports North will consider Material Change of Use development to be consistent or inconsistent with the LUP as follows, and shown diagrammatically below.

Table 5.1 – Determining Material Change of Use Consistency and Application Requirements

Land Use Plan Consistency	Approval Requirement
<p>Consistent, where</p> <ul style="list-style-type: none"> ▪ The use is listed as a consistent use in the applicable precinct; <p>and</p> <ul style="list-style-type: none"> ▪ Compliant with the relevant assessment criteria listed in the Level of Assessment Table for the applicable precinct 	<p>Accepted development - no approval required</p> <p>Planning Regulation 2017, Schedule 10, Part 13, Division 5, Subdivision 1</p> <p>Ports North reviews and confirms status as accepted development</p>
<p>Consistent, where</p> <ul style="list-style-type: none"> ▪ The use is listed as a consistent use in the applicable precinct; <p>and</p> <ul style="list-style-type: none"> ▪ Not compliant with the relevant assessment criteria listed in the Level of Assessment Table for the applicable precinct 	<p>Assessable development - approval required</p> <p>Planning Regulation 2017, Schedule 10, Part 13, Division 5, Subdivision 1 and Subdivision 2 Table 1</p> <p>Proponent to make application to Ports North as Assessment Manager</p> <p>Planning Regulation 2017, Schedule 8, Table 3</p>
<p>Inconsistent, where:</p> <ul style="list-style-type: none"> ▪ The use is not listed as a consistent use in the applicable precinct 	<p>Assessable development - approval required</p> <p>Planning Regulation 2017, Schedule 10, Part 13, Division 5, Subdivision 1 and Subdivision 2 Table 1</p> <p>Proponent to make application to Ports North as Assessment Manager</p> <p>Planning Regulation 2017, Schedule 8, Table 3</p> <p>Referral Triggered</p> <p>Planning Regulation 2017, Schedule 10, Part 13, Division 5, Subdivision 3, Table 1</p>

Note: Assessable development controls shown are as per the *Planning Regulation 2017* at 3 July 2017.
 Refer to the applicable Level of Assessment Table to identify the relevant assessment requirements.
 Refer to Schedule 10 of the *Planning Regulation 2017* to identify any referral triggers.

Figure 5.2 – Consistency Determination Process


Compliance with the relevant assessment criteria listed in the Level of Assessment Table is achieved where development:

- meets the intents of the relevant precinct; and
- is consistent with the Port Vision and DEOs.

Where there is an inconsistency within the LUP, the Port Vision prevails over the DEOs and the DEOs prevail over the precinct intents.

In considering this, Ports North will refer to the *Port Development Codes (Appendix B)* and any other relevant legislation to assess whether a proposed development complies with the LUP.

The *Port Development Codes (Appendix B)* are a non-statutory component of the LUP which are to be read in conjunction with the LUP. The *Port Development Codes* provide overall outcomes, specific outcomes and acceptable solutions to ensure that development will achieve the LUP vision, DEOs and precinct principles.

Development that complies with:

- the purpose and overall outcomes of the code complies with the code;
- the performance outcomes or, where provided the acceptable outcomes, of the code, complies with the purpose and overall outcomes of the code and so complies with the code.

Accordingly, in seeking a review by Ports North on the suitability of a development proposal, a proponent should include a written response to the relevant precinct intents and the *Port Development Codes*.

5.2 Other Assessable Development

Under the *Planning Act 2016*, other development on strategic port land or strategic port tidal land may be assessable and trigger the submission of a Development Application to Ports North. Likely triggers are identified below.

Such proposals should also be considered against the land use controls outlined above to ensure approvals are obtained under the LUP where necessary.

Refer to Schedules 7, 9 and 10 of the *Planning Regulation 2017* to identify any further assessable development and referral triggers.

Table 5.2 –Other Assessable Development Approval Requirements

Development Type	Approval Requirement
Material Change of Use for a Concurrence ERA	Approval Required Planning Regulation 2017, Schedule 10, Part 5, Division 2 Proponent to make application to Ports North as Assessment Manager Planning Regulation 2017, Schedule 8, Table 3 ERA referral triggered Planning Regulation 2017, Schedule 10, Part 5, Division 4
Operational Work for Tidal Work	Approval Required Planning Regulation 2017, Schedule 10, Part 17 Division 1 Proponent to make application to Ports North as Assessment Manager Planning Regulation 2017, Schedule 8, Table 3 Tidal Works referral may be triggered Planning Regulation 2017, Schedule 10, Part 17 Division 3
Operational Work for removal, destruction or damage of marine plants	Accepted development in certain circumstances Planning Regulation 2017, Schedule 7, Part 3, Section 8 Where not accepted development, approval required Planning Regulation 2017, Schedule 10, Part 6, Division 3 Where approval required, proponent to make application to Ports North as Assessment Manager Planning Regulation 2017, Schedule 8, Table 3 Fisheries referral may be triggered Planning Regulation 2017, Schedule 10, Part 6, Division 3, Subdivision 2

Note: Assessable development controls shown are as per the *Planning Regulation 2017* at 3 July 2017.

5.3 Port Levels of Assessment

5.3.1 Level of Assessment – Material Change of Use

The following table sets the level of assessment for making a material change of use under the LUP.

Table 5.3 – Level of Assessment – Material Change of Use under the Port of Cape Flattery Land Use Plan

Use	Level of Assessment	Assessment Criteria
Waterfront Port Industry Precinct		
Consistent Use		
Emergency Services	Accepted development where compliant with the Assessment Criteria	For Accepted development: <ul style="list-style-type: none"> Intent for the Precinct
Landing		
Marine Industry	Code Assessable otherwise	For Code Assessment: <ul style="list-style-type: none"> Intent for the Precinct Port Development Codes
Office		
Port Services		
Telecommunications Facility		

Utility Installation

Warehouse

In All Precincts

Inconsistent Uses

Any use not listed as a Consistent Use for the relevant Precinct	Code Assessment	<ul style="list-style-type: none"> ▪ The Land Use Plan ▪ Port Development Codes
Any other undefined use.		

Port Prohibited Use

None	N/A	N/A
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5.3.2 Level of Assessment – Other Development

The following table identifies the level of assessment for other development under the LUP.

Table 5.4 – Level of Assessment – Other Development in all Precincts

Precinct	Level of Assessment	Assessment Criteria
Reconfiguring a Lot		
In all Precincts	Accepted development	None Applicable
Operational Work		
In all Precincts	Accepted development	None Applicable
Building Work		
In all Precincts	Accepted development	None Applicable

Note:

- Reconfiguring a Lot of land under the *Land Title Act 1994* (freehold land) which is Strategic Port Land is not regulated by the local government planning scheme.
- Reconfiguring a Lot of land under the *Land Act 1994* (such as leasehold land or unallocated state land) is managed through the *Land Act 1994* by the Department of Natural Resources and Mines.
- Various forms of Operational Work are assessable under the *Planning Regulation 2017* - refer to Schedule 10.
- Ports North does not act as an Assessment Manager for Building Work. Building works are assessed by a registered Building Certifier.
- Ports North does not assess plumbing and drainage works, which must be lodged with the Local Government.

Schedule I – Strategic Port Land

Table S1.1 – Strategic Port Land in Port of Cape Flattery

Ref.	Lot	Plan	Area (m ²)	Tenure	Precinct (Existing and Proposed Use)
1	Lot 9	BS223	105,600	Freehold	Waterfront Port Industry Precinct
2	Lot 10	BS224	177,000	Freehold	Waterfront Port Industry Precinct
3	Lot 11	BS268	24,900	Leasehold	Waterfront Port Industry Precinct

Schedule 2 – Definitions

Use Definitions

Use definitions have a particular meaning for the purpose of the LUP.

Any use not listed in Table S2.1 is an undefined use.

Table S2.1 - Land Use Definitions for the Port of Cape Flattery

Use	Definition	Example
Emergency Services	Premises used by government bodies or community organisations to provide essential emergency services or disaster management services including management support facilities for the protection of persons, property and the environment.	<i>State Emergency Service Facility Ambulance Station Fire Station Police Station Emergency Management Support Facility Evacuation Centre</i>
Environmental Facility	Facilities used for the conservation, interpretation and appreciation of areas of environmental, cultural or heritage value.	<i>Nature-Based Attraction Walking Track (main including seating, boardwalks)</i>
Landing	A structure for mooring, launching, storage and retrieval of vessels where passengers embark and disembark.	<i>Boat Ramp Jetty Pontoon</i>
Marine Industry	Premises used for waterfront based marine industries involved in any activity relating to the manufacturing, storage, repair or servicing of vessels and maritime infrastructure.	<i>Boat Building Boat Repairs Boat Storage</i>
Office	Premises used for government, management or administrative services where no goods or materials are made, sold or hired.	<i>Australian Customs & Border Protection Service Australian Quarantine & Inspection Service Australian Volunteer Coast Guard Government Office Port Authority Office Shipping Agent</i>

Use	Definition	Example
Port Services	Premises used for the following: the arrival and departure of vessels; the movement of passengers or goods on or off vessels; any ancillary activities directly servicing the needs of passengers and visitors or the housing, servicing, maintenance and repair of vessels.	<i>Bulk Cargo Storage & Distribution</i> <i>Cattle Loading Facility</i> <i>Commercial Shipping Support Facility</i> <i>(towage/refueling/service/repair)</i> <i>Fertilizer Loading Facility</i> <i>Fuel Storage and Handling Facility</i> <i>Marina</i> <i>Passenger Terminal</i> <i>Sand/Mineral Storage and Loading Facility</i> <i>Wharves & Docking Facilities</i>
Telecommunications Facility	Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such facility is manned or remotely controlled.	<i>Telecommunication Tower</i>
Utility Installation	Premises used to provide the public with the following services: <ul style="list-style-type: none"> ▪ supply or treatment of water, hydraulic power or gas ▪ sewerage, drainage or stormwater services ▪ transport services including road, rail or water ▪ waste management facilities or ▪ network infrastructure. The use includes maintenance and storage depots and other facilities for the operation of the use.	<i>Mail Depot</i> <i>Pumping Station</i> <i>Sewerage Treatment Plant</i> <i>Water Treatment Plant</i>
Warehouse	Premises used for the storage and distribution of goods, whether or not in a building.	<i>Cargo Distribution</i> <i>Warehouse</i>

Administrative Definitions

Administrative definitions assist with the interpretation of the LUP but do not have a meaning in relation to a use.

Table S2.2 – Administrative Definitions for the Port of Cape Flattery

Term	Definition
Acid sulfate soils	<p>Means soils, sediments, or other materials containing iron sulfides and/or acidity generated by their breakdown.</p> <p>Note – these materials are environmentally benign when left undisturbed in an aqueous, anoxic environment, but when exposed to oxygen, the iron sulfides break down, releasing large quantities of sulfuric acid and soluble iron. Both substances have considerable ability to degrade the natural and built environment, and the acid can mobilise other pollutants such as arsenic, lead and zinc</p>
Adjoining premises*	<p>Premises that share a common boundary, including premises that meet at a single point on a common boundary.</p>
Ancillary use	<p>A use that is directly associated with and subordinate to the primary use of the land.</p>
Annual exceedance probability (AEP)	<p>Means the likelihood of occurrence of a flood of a given size or larger in any one year; usually expressed as a percentage.</p> <p>Note – For example, if a peak flood discharge of 500 cubic metres per second has an AEP of five per cent, it means that there is a five per cent risk (i.e. probability of 0.05 or a likelihood of one in 20) of a peak flood discharge of 500 cubic metres per second or larger occurring in any one year. The AEP of a flood event gives no indication of when a flood of that size will occur next.</p>
Areas of environmental significance	<p>Areas of environmental significance are identified: Biodiversity areas, Wetlands, Waterways and riparian corridors and declared fish habitat areas.</p> <p>These areas are identified on the Natural areas overlays maps contained in Schedule 2.</p> <p>Note – Areas of environmental significance include Matters of National environmental significance, Matters of State environmental significance and Matters of local environmental significance.</p>
Australian height datum (AHD)	<p>The datum used for the determination of elevations in Australia. The determination uses a national network of bench marks and tide gauges, and sets mean sea level as zero elevation.</p>
Basement*	<p>A space</p> <ul style="list-style-type: none"> ▪ between a floor level in a building and the floor level that is immediately below it, and <p>no part of which is more than 1 metre above ground level.</p>
Buffer	<p>An area required for ecological, acoustic, scenic amenity or potential hazard protection purposes that incorporates a separation distance and associated landscaping, structures and works:</p> <ul style="list-style-type: none"> ▪ between different land uses; or ▪ from a major noise source; or ▪ from a conservation area or a public recreation area; or ▪ from a wetland, waterway or waterbody.
Building height*	<p>If specified:</p> <ul style="list-style-type: none"> ▪ the vertical distance, measured in metres, between the ground level and the highest point on the roof of the building, other than a point that is part of an aerial, chimney, flagpole or load bearing antenna; or ▪ the number of storeys in the building above ground level. <p>Note – Refer to administrative definition for roof height.</p>

Term	Definition
Coastal processes	Means the natural processes of the coast including sediment transport to and along the coast; fluctuations in the location and form of the foreshore, beach, dunes and associated ecosystems; waves, tides; changes in sea-level and coastal hazards (for example, storm tide), ecological processes (for example, migration of plant and animal species) and the natural water cycle (for example coastal wetlands' role in filtration and flood mitigation).
Gross floor area*	<p>The total floor area of all storeys of a building measured from the outside of the external walls and the centre of any common walls of the building, other than areas used for :</p> <ul style="list-style-type: none"> ▪ building services, plant or equipment, or ▪ access between levels, or ▪ ground floor public lobby, or ▪ a mall, or ▪ the parking, loading and manoeuvring of vehicles, or ▪ unenclosed private balconies whether roofed or not.
Ground level*	The level of the natural ground, or, if the level of the natural ground has changed, the level as lawfully changed.
Hazardous material	<p>A substance with potential to cause harm to persons, property or the environment because of one or more of the following:</p> <ul style="list-style-type: none"> ▪ the chemical properties of the substance; ▪ the physical properties of the substance; ▪ the biological properties of the substance. <p>Without limiting the first paragraph, all dangerous goods, combustible liquids and chemicals are hazardous materials.</p> <p><i>Note – definition from the Dangerous Goods Safety Management Act 2001.</i></p>
Heavy rigid vehicle	A rigid or articulated motor vehicle or omnibus which has three or more axles and a gross vehicle mass of greater than 8 tonnes.
Landscaping	<p>Landscaping incorporates trees, shrubs and groundcovers, including:</p> <ul style="list-style-type: none"> ▪ planting of trees, hedges, shrubs and lawn; ▪ laying out of gardens; ▪ paving of pathways or courtyards; ▪ water features. <p>Landscaping also includes:</p> <ul style="list-style-type: none"> ▪ the formation and construction of footpaths and verges; ▪ street tree planting.
Marine-dependent	<p>Means uses or development that requires land adjoining the foreshore and access to tidal water to function. The term does not include residential development, waste management facilities (landfills, sewerage treatment plants) or transport infrastructure (other than for access to the coast).</p> <p><i>Editor's note: marine-dependent use and development may include:</i></p> <ul style="list-style-type: none"> ▪ Industrial and commercial facilities such as ports, harbours and navigation channels and facilities, aquaculture involving marine species, desalination plants, tidal generators, erosion control structures and beach nourishment ▪ Tourism facilities for marine (boating) purposes or that are part of an integrated development proposal incorporating a marina.

Term	Definition
Roof height	<p>The vertical distance between the upper most point of the exterior wall of the building and highest point of the building roof (apex) or parapet at any point but not including non-load bearing antenna, aerial, chimney, flagpole or the like. Roof height is contained within the Building height.</p> <p>Note – Refer to administrative definition for Building height.</p>
Sensitive land use	<p>Means the following uses:</p> <ul style="list-style-type: none"> ▪ caretakers accommodation; ▪ child care centre; ▪ community care centre; ▪ community residence; ▪ detention facility; ▪ dual occupancy; ▪ dwelling house; ▪ dwelling unit; ▪ educational establishment; ▪ health care services; ▪ hospital; ▪ hotel; ▪ multiple dwelling; ▪ non-resident workforce accommodation; ▪ relocatable home park; ▪ residential care facility; ▪ resort complex; ▪ retirement facility; ▪ rooming accommodation; ▪ rural workers accommodation; ▪ short-term accommodation; ▪ tourist park. <p>Where development is for an Adult store, sensitive land use means the following uses:</p> <ul style="list-style-type: none"> ▪ child care centre; ▪ place of worship; ▪ educational establishment (where catering for children of primary and secondary school age).
Setback*	<p>For a building or structure, the shortest distance measured horizontally from the outer most projection of a building or structure to the vertical projection of the boundary of the lot where the building or structure is.</p>
Site*	<p>The land that the development is to be carried out on.</p> <p>Examples –</p> <p>If development is to be carried out on part of a lot, the site of the development is that part of the lot</p> <p>If development is to be carried out on part of 1 lot and part of an adjoining lot, the site of the development is both of those parts.</p>

Term	Definition
Site cover*	<p>The portion of the site, expressed as a percentage, that will be covered by a building or structure, measured to its outermost projection, after the development is carried out, other than a building or structure or part of a building or structure that is</p> <ul style="list-style-type: none"> ▪ in a landscaped or open space area, including for example a gazebo or shade structure; ▪ basement that is completely below ground level and used for car parking area, or ▪ the eaves of a building, or ▪ a sun shade.
Structure	<p>Includes a constructed element that has a built presence on or above land. It includes a wall or fence and anything fixed to or projecting from a building, wall, fence or other structure.</p>
Temporary use*	<p>A use that is carried out on a non-permanent basis and does not involve the construction of or significant changes to permanent buildings or structures.</p>
Ultimate development*	<p>For an area or premises, the likely extent of development that is anticipated to be achieved in the area, or on the premises, if the area or premises are fully developed.</p>
Urban purposes*	<p>A purposes for which land us used in cities or towns,</p> <p>(a) including residential industrial, sporting, recreation and commercial purposes, but</p> <p>(b) not including rural residential, environmental, conservation, rural, natural or wilderness area purposes.</p>
Vegetation	<p>An individual tree or trees, plants and any other organisms of vegetable origin, not including marine plants.</p>

Note – * denotes a definition included in the *Planning Regulation 2017*.

Appendix A – Land Use Plan Mapping

The table below lists the precinct and overlay maps applicable to the LUP area.

Table A.1 – Map index for the Port of Port of Cape Flattery

Map Number	Map Title
Location Maps	
PCF-LOC-01	Location
PCF-AERIAL-01	Aerial
Port and Land Use Maps	
PCF-SPL-01	Strategic Port Land
PCF-PL-01	Port Limits
PCF-LUP-01	Land Use Precincts
Environmental and Infrastructure Maps	
PCF-CMD-01	Coastal Management District
PCF-VEG-01	Vegetation
PCF-BIO-01	Biodiversity Values
PCF-BF-01	Bushfire Risk
PCF-CER-01	Coastal Erosion Risk

Note: The Environmental and Infrastructure Maps reflect the State Planning Policy - Plan Making mapping information available at 1 March 2016.

Appendix B – Port Development Codes

B.1 Preliminary

The Port Development Codes support the implementation of the Port of Cape Flattery LUP.

The Port Development Codes are a non-statutory component of the LUP and therefore can be amended from time to time by Ports North to reflect new standards and innovations in planning, engineering and environmental management.

The Codes are to guide the construction and operation of different types of development and activities on strategic port land. The Codes provide overall outcomes, specific outcomes and acceptable solutions to ensure that buildings, facilities and other development will achieve the Desired Environmental Outcomes (DEO's) and precinct principles described in the Port of Cape Flattery LUP.

The Port Development Codes are codes for assessment where identified as an applicable code in Section 5 of the LUP.

Development that complies with:

- the purpose and overall outcomes of the code complies with the code;
- the performance outcomes or, where provided the acceptable outcomes, of the code, complies with the purpose and overall outcomes of the code and so complies with the code.

The following are codes for the LUP:

- Port Use Code;
- Environmental Management Code;
- Cultural Heritage Code;
- Infrastructure Code; and
- Parking and Access Code

B.2 Port Use Code

Purpose

Provide for port services and activities and a high quality of design and amenity.

Application

This Code applies to assessing all development.

Overall Outcomes

The purpose of the code will be achieved through the following overall outcomes:

- provide for uses for which a location adjoining or near the waterfront or a marine environment is essential
- existing and future port services and operations are protected from the intrusion of incompatible uses.
- development reflects and responds to the natural features and constraints of the land.
- port activities are designed and managed to maintain safety to employees and visitors.
- the amenity of port land, as experienced by both site users and visitors, is enhanced by a high standard of amenity and the provision of appropriate landscaping that is reflective of the character of the region.
- the visual impact of new development to adjoining areas is minimised.

Criteria for Assessment

The following table sets the assessment criteria for self-assessable and assessable development.

Table B.2 Performance and Acceptable Outcomes

Performance Outcome		Acceptable Outcomes	
Land Use			
PO1.	Development is consistent with the purpose and outcomes of the Precinct.	AO1.1	Marine-dependent uses are located adjoining or near the waterfront within the Waterfront Port Industry Precinct.
		AO1.2	Non-marine dependent uses are located in the Waterfront Port Industry Precinct only where such uses do not compromise the long-term use of land for marine-dependent development.
Siting			
PO2.	Buildings and structures are setback from the road frontage and side and rear boundaries to allow: <ul style="list-style-type: none"> ▪ safe and efficient use of the site ▪ visitor parking to be 	AO2.1	No acceptable outcome provided. <ul style="list-style-type: none"> ▪ Note: The <i>National Construction Code</i> and building standards apply and set building construction requirements.

Performance Outcome		Acceptable Outcomes	
	<p>provided at an easily visible location at or near the front of the building</p> <ul style="list-style-type: none"> the building is to contribute to an attractive streetscape character landscaping to be provided utility services and drainage paths to be appropriately sited 		
PO3.	Development adequately takes into account the functional requirements of infrastructure needs and services for the use.	AO3.1	<p>No acceptable outcome provided.</p> <p>Note:</p> <p>Site design takes into account the need to provide, where necessary:</p> <ul style="list-style-type: none"> trade waste connections to the sewer network; refuse and recyclable storage areas storage tanks fire fighting boosting pumps and vehicular circulation requirements electrical infrastructure vehicle parking, manoeuvring areas including loading and unloading facilities.
PO4.	Development is located, designed, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds.	AO4.1	No acceptable outcome provided.
Built Form			
PO5.	The height of buildings and structures is compatible with the character of the area.	AO5.1	No acceptable outcome provided.
PO6.	The site cover of buildings ensures that there is sufficient areas for the provision of services and landscaping and caters for flood storage in areas affected by flooding.	AO6.1	Site cover is no more than 80% of the site.
Amenity			
PO7.	The appearance of development provides a quality, legible appearance and workplaces.	AO7.1	<p>Development provides staff amenity areas that incorporate:</p> <ul style="list-style-type: none"> seating and tables; and weather protection.
Safety			
PO8.	Design actively contributes to the safety of port employees and visitors.	AO8.1	Crime prevention through environmental design principles are integrated into the form and design of the development.
		AO8.2	Operational port activities which have the potential to be a hazard are fenced to prevent public access.

Performance Outcome		Acceptable Outcomes	
Landscaping			
PO9.	Landscaping is provided to: <ul style="list-style-type: none"> ▪ enhance the appearance and amenity of the development; ▪ contributes positively to the appearance of the Port; ▪ promote energy efficiency and solar access. 	AO9.1	No acceptable outcome provided. Note: One method to address this requirement will be through the preparation of a Landscape which: <ul style="list-style-type: none"> ▪ where possible retains and utilises existing trees in landscape areas; ▪ uses of vegetation species native to the region that will complement the scale of development and contribute to shade; ▪ assists in visual screening, noise reduction and the filtering of dust.
Navigational Aids			
PO10.	Development does not interfere with an aid to navigation or associated signals.	AO10.1	Development does not interfere with any aid to navigation on the development site.
		AO10.2	Development does not create any temporary or permanent obstruction of aids to navigation.
		AO10.3	Development keeps the sight line of any aids to navigation which cross the development site clear of obstructions.
		AO10.4	Development does not result in significant electrical or electro-magnetic emissions which may impede the operation of aids to navigation.
		AO10.5	Development allows ongoing access to aids to navigation for maintenance purposes.
		AO10.6	Development is not within 40 m of an existing aid to navigation, or development within 40 m of an existing aid to navigation does not remove any material that may destabilise the aid to navigation (including ground tackle).
		AO10.7	All lights on or above the development site: <ul style="list-style-type: none"> ▪ are shielded to prevent glare or reflection ▪ do not involve flashing or flickering lights which may be confused with aids to navigation ▪ are not coloured lights such as green, blue or red lights which may be confused with aids to navigation.
		AO10.8	Lighting complies with Section 3 of AS 4282-1997 Control of the obtrusive effects of outdoor lighting.

B.3 Environmental Management Code

Purpose

To provide for the management of environmental impacts resulting from development.

Application

This Code applies to assessing all development

Overall Outcomes

The purpose of the code will be achieved through the following overall outcomes:

- development is designed and operated to avoid or mitigate impacts on adjacent land and sensitive receiving environments;
- sensitive land uses are protected from amenity related impacts through design and operation of the development;
- development ensures stormwater is discharged lawfully;
- development is located, designed, constructed and managed to avoid or minimise impacts arising from altered stormwater quality or flow;
- development manages impacts on matters of state environmental significance to avoid impacts on environmental values;
- the disturbance of acid sulfate soils is avoided or minimised;
- adverse impacts on coastal processes and resources is avoided or minimises;
- development is resilient to natural hazard events, including bushfire, storm surge, erosion and flooding, by ensuring siting and design takes into account the potential risks to property and personal safety.

Criteria for Assessment

The following table sets the assessment criteria for self-assessable and assessable development.

Table B.3 Performance and Acceptable Outcomes

Performance Outcome		Acceptable Outcomes	
Environmental Management Plan			
PO1.	Development, including during construction and operation, avoids or mitigates adverse impacts on environmental, ecological and hydrological processes meeting all applicable environmental standards, plans or programs to minimise environmental harm or nuisance.	AO1.1	Development is carried out in accordance with a site and development specific environmental management plan for construction and operational phases.

Performance Outcome		Acceptable Outcomes	
		AO1.2	Development is carried out with the requirements of the Port of Cape Flattery Environmental Management Plan.
Environmental Performance			
Lighting			
PO2.	Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO2.1	Technical parameters for the design, installation, operation and maintenance of outdoor lighting complies with the requirements of <i>AS4282-1997 Control of the obtrusive effects of outdoor lighting</i> .
Odour			
PO3.	Potential odour causing activities associated with the development are avoided through design, location and operation of the activity.	AO3.1	The development does not involve activities that create odorous air emissions OR The use does not result in odour that causes environmental harm or nuisance with respect to surrounding land uses.
Noise			
PO4.	Potential noise generated from the development is avoided through design, location and operation of the activity.	AO4.1	Development does not involve activities that would cause noise related environmental harm or nuisance OR Development ensures noise does not emanate from the site through the use of materials, structures and architectural features to not cause an adverse noise impact on adjacent uses AND The design and layout of development ensures vehicle parking areas avoid noise impacting directly on adjacent sensitive land uses through one or more of the following: <ul style="list-style-type: none"> ▪ car parking is located away from adjacent sensitive land uses; ▪ car parking is enclosed within a building; ▪ a noise ameliorating fence or structure is established adjacent to car parking areas where the fence or structure will not have a visual amenity impact on the adjoining premises; ▪ buffered with dense landscaping.
Airborne Particles & Other Emissions			
PO5.	Potential airborne particles and emissions generated from the development are avoided through design, location and operation of the activity.	AO5.1	Development does not involve activities that will result in airborne particles or emissions being generated OR The design, layout and operation of the

Performance Outcome		Acceptable Outcomes	
		development activity ensures that no airborne particles or emissions cause environmental harm or nuisance.	
Waste and Recyclable Material Storage			
PO6.	Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.	AO6.1	The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.
		AO6.2	Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of: <ul style="list-style-type: none"> ▪ the location of the waste and recyclable material storage areas in relation to the noise and odour generated; ▪ the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; ▪ the durability of the receptacles, sheltering and potential impacts of local climatic conditions; ▪ the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments.
Sensitive Land Uses			
PO7.	Sensitive land uses are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.	AO7.1	Sensitive land uses are not established in areas where they will be adversely impacted by existing land uses, activities and potential development in an area OR Sensitive land uses may be established in areas of potential adverse amenity impacts where they mitigate all of the potential impacts through location, design, operation and maintenance.
Hours of Operation			
PO8.	The operation of the development is limited to hours of a day that ensures the impacts on the amenity of nearby sensitive land use are appropriately mitigated.	AO8.1	No acceptable outcomes are provided. Note: Regard will generally need to be given to the form of development and the location and appropriateness of the sensitive use impacted with respect to the outcomes also sought by the zone.
Lawful Point of Discharge			
PO9.	Development activities are designed to ensure stormwater is directed to a lawful point of discharge.	AO9.1	Development activities are designed to ensure storm water over roofed and hardstand areas is directed to a lawful point of discharge.

Performance Outcome	Acceptable Outcomes
	AO9.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities
Stormwater Quality	
PO10. Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on storm water quality by: <ul style="list-style-type: none"> ▪ achieving stormwater quality objectives; ▪ protecting water environmental values; ▪ maintaining waterway hydrology. 	AO10.1 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table B.3.A, reflecting land use constraints, such as: <ul style="list-style-type: none"> ▪ erosive, dispersive and/or salines oil types; ▪ landscape features (including landform); ▪ acid sulfate soil and management of nutrients of concern; ▪ rainfall erosivity. AO10.2 An erosion and sediment control plan demonstrates that release of sediment-laden stormwater is avoided for the nominated design storm, and minimised when it is exceeded by addressing design objectives listed in Table B.3.A for: <ul style="list-style-type: none"> ▪ drainage control; ▪ erosion controls; ▪ sediment control; ▪ water quality outcomes. AO10.3 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with the erosion and sediment control plan. AO10.4 Development incorporates stormwater flow control measures to achieve the design objectives set out in Table B.3.A, including management of frequent flows, peak flows, and construction phase hydrological impacts.
Land Contaminants	
PO11. Development is located and designed to ensure that users and nearby sensitive land uses are not exposed to unacceptable levels of contaminants.	AO11.1 Development is located where soils are not contaminated by pollutants which represent a health or safety risk to users. OR Development remediates contaminated soils prior to plan sealing, operational works permit, or issuing a building works permit.

Performance Outcome	Acceptable Outcomes
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Hazardous Materials, Chemicals, Dangerous Goods, Flammable or Combustible Substances

PO12. The use, storage and disposal of potentially hazardous materials and chemicals, dangerous goods, and flammable or combustible substances are located and managed to avoid or mitigate potential adverse impacts on surrounding uses, and minimise the health and safety risks to communities and individuals.	AO12.1 No acceptable outcomes are provided.
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Ship-source Pollutants Reception Facilities

PO13. Development provides facilities for the handling and disposal of ship-sourced pollutants	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; padding-right: 10px;">AO13.1</td> <td>No solution is provided for: <ul style="list-style-type: none"> ▪ the handling and disposal of ship-sourced pollutants including oil, garbage and sewage; and ▪ disposal of quarantine materials. </td> </tr> <tr> <td style="vertical-align: top; padding-right: 10px;">AO13.2</td> <td>Facilities are designed and operated to ensure the risk of spillage from operations is minimised.</td> </tr> <tr> <td style="vertical-align: top; padding-right: 10px;">AO13.3</td> <td>Appropriate equipment to contain and remove spillages is stored in a convenient position near the facility and is available for immediate use.</td> </tr> <tr> <td style="vertical-align: top; padding-right: 10px;">AO13.4</td> <td>The pollutant reception facility is connected to sewerage or other waste reception infrastructure.</td> </tr> </table> <p style="margin-top: 10px;"> <i>Note:</i> In lieu of fixed facilities for reception facilities (quarantine, sewage, etc.) ships agents or operators are to contact Ports North to confirm available waste service providers that are able to service the location </p>	AO13.1	No solution is provided for: <ul style="list-style-type: none"> ▪ the handling and disposal of ship-sourced pollutants including oil, garbage and sewage; and ▪ disposal of quarantine materials. 	AO13.2	Facilities are designed and operated to ensure the risk of spillage from operations is minimised.	AO13.3	Appropriate equipment to contain and remove spillages is stored in a convenient position near the facility and is available for immediate use.	AO13.4	The pollutant reception facility is connected to sewerage or other waste reception infrastructure.
AO13.1	No solution is provided for: <ul style="list-style-type: none"> ▪ the handling and disposal of ship-sourced pollutants including oil, garbage and sewage; and ▪ disposal of quarantine materials. 								
AO13.2	Facilities are designed and operated to ensure the risk of spillage from operations is minimised.								
AO13.3	Appropriate equipment to contain and remove spillages is stored in a convenient position near the facility and is available for immediate use.								
AO13.4	The pollutant reception facility is connected to sewerage or other waste reception infrastructure.								

Biodiversity

P14. Development protects matters of environmental significance. <i>Note:</i> Mapping of areas of environmental significance is included at <i>Appendix A</i> and reflected, where appropriate, in the Land Use Precinct Mapping.	<table border="0" style="width: 100%;"> <tr> <td style="vertical-align: top; padding-right: 10px;">AO14.1</td> <td>Development avoids significant impacts on the relevant environmental values</td> </tr> <tr> <td></td> <td>OR</td> </tr> <tr> <td></td> <td>A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state environmental significance</td> </tr> <tr> <td></td> <td>OR</td> </tr> <tr> <td></td> <td>Development is located, designed and operated to mitigate significance impacts on the relevant environmental values. A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes is submitted.</td> </tr> </table>	AO14.1	Development avoids significant impacts on the relevant environmental values		OR		A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state environmental significance		OR		Development is located, designed and operated to mitigate significance impacts on the relevant environmental values. A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes is submitted.
AO14.1	Development avoids significant impacts on the relevant environmental values										
	OR										
	A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state environmental significance										
	OR										
	Development is located, designed and operated to mitigate significance impacts on the relevant environmental values. A report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes is submitted.										

Performance Outcome		Acceptable Outcomes	
		AO14.2	Marine vegetation, particularly seagrass meadows and mangrove communities, are not disturbed or removed.
P15.	<p>Development is designed and constructed to avoid significant impacts on areas of environmental significance.</p> <p>Note: Mapping of areas of environmental significance is included at <i>Appendix A</i> and reflected, where appropriate, in the Land Use Precinct Mapping.</p>	AO15.1	<p>The design and layout of development minimises adverse impacts on ecologically important areas by:</p> <ul style="list-style-type: none"> ▪ focusing development in cleared areas to protect exhibit habitat ▪ consolidating and co-locating compatible uses ▪ ensuring alternations to natural landforms, hydrology and drainage patterns on the site do not negatively impact ecologically important areas ▪ ensuring significant fauna habitat is protected ▪ incorporating measures that allow for the safe movement of fauna through the site.
P16.	Development avoids the introduction of non-native pest species (plant or animal) that pose a risk to environmental integrity.	AO16.1	Development avoids the introduction of non-native pest species
		AO16.2	The threat of existing pest species is controlled by adopting pest management practices that provide for long-term ecological integrity.
Acid Sulfate Soils			
P17.	Areas within the development site containing ASS are accurately identified.	AO17.1	ASS within the development site is identified by undertaking an ASS investigation conforming to the Queensland Sampling Guidelines and soil analyses according to the Laboratory Methods Guidelines or AS4969.
P18.	Development avoids disturbing ASS or are managed to prevent the release of acid and metal contaminants.	AO18.1	<p>The disturbance of ASS is avoided by:</p> <ul style="list-style-type: none"> ▪ not excavating or otherwise removing soil or sediment identified as containing ASS. ▪ not permanently or temporarily extracting groundwater that results in the oxygenation of previously saturated ASS. ▪ not undertaking filling that results in: ▪ actual ASS being moved below the water table. ▪ previously saturated ASS being aerated.
			OR

Performance Outcome	Acceptable Outcomes
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The disturbance of ASS prevents the release of acid and metal contaminants by:

- neutralising existing acidity and preventing the generation of acid and metal contaminants.
- preventing the release of surface or groundwater flows containing acid and metal contaminants into the environment.
- preventing the in-situ oxidation of ASS through groundwater level management.

documenting management strategies and reporting requirements in an ASS environmental management plan.

AO18.2 Undertake appropriate treatment before disposal whether or not that disposal occurs offsite.

Coastal Environment	
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PO19. Natural processes and the protective function of landforms and vegetation are maintained.

Note:

Mapping of the Coastal Management District and areas of coastal hazard are included at *Appendix A* and reflected, where appropriate, in the Land Use Precinct Mapping.

AO19.1 Development within the coastal management district:

- maintains vegetation on coastal landforms where its removal or damage may destabilise the area and increase the potential for coastal erosion.
- minimise the need for erosion control structures through location, design and construction standards.

AO19.2 Where development proposes the construction of an erosion control structure:

- it is demonstrated that it is the only feasible option for protecting permanent structures from coastal erosion, and
- those permanent structures cannot be abandoned or relocated in the event of coastal erosion occurring.

PO20. Development avoids or minimises adverse impacts on coastal resources and their values to the maximum extent possible.

Note:

Mapping of the Coastal Management District and areas of coastal hazard are included at *Appendix A* and reflected, where appropriate, in the Land Use Precinct Mapping.

AO20.1 Development is located and designed to expand on or redevelop with existing maritime infrastructure unless it is demonstrated that it is not practicable to collocate the development within existing maritime infrastructure.

AO20.2 Measures are incorporated as part of siting and design of the development to maintain or enhance water quality to achieve the environmental values and water quality objectives outlined in the Environmental Protection (Water) Policy 2009.

Performance Outcome	Acceptable Outcomes
	AO20.3 Design and siting of development protects and retains identified ecological values and underlying ecosystem processes within the development site to the greatest extent practicable.
Coastal Hazards	
PO21. Development protects people and property from coastal hazard impacts Note: Mapping of the Coastal Management District and areas of coastal hazard are included at <i>Appendix A</i> and reflected, where appropriate, in the Land Use Precinct Mapping.	AO21.1 Development is situated wholly outside of the coastal hazard areas. OR A report certified by an appropriately qualified person demonstrates, to the satisfaction of the assessment manager, that the development: <ul style="list-style-type: none"> ▪ is not at risk from coastal hazards; and/or ▪ can appropriately mitigate coastal hazard impacts.
Bushfire Hazards	
PO22. Development maintains the safety of people and property by: <ul style="list-style-type: none"> ▪ avoiding areas of Medium, High or Very High Bushfire Hazard; or ▪ mitigating risk through: <ul style="list-style-type: none"> ▪ the siting of development ▪ including fire breaks that provide adequate setbacks between buildings and structure and hazardous vegetation ▪ access for fire fighting/other emergency service vehicles Note: Mapping of the Bushfire Risk is included at <i>Appendix A</i> and reflected, where appropriate, in the Land Use Precinct Mapping.	AO22.1 Development is not located in a Medium, High or Very High bushfire hazard area OR For where development is located in a Medium or High Bushfire Hazard Area, a report certified by an appropriately qualified person demonstrates, to the satisfaction of the assessment manager, that the development: <ul style="list-style-type: none"> ▪ is not at risk from bushfire hazard; or ▪ can appropriately mitigate bushfire hazard impacts; and ▪ can provide adequate sealed vehicular access for fire fighting and other emergency services vehicles
	AO22.2 Where a development site is located in a Medium, High or Very High bushfire hazard area, a Bushfire Management Plan certified by an appropriately qualified person is prepared to the satisfaction of the assessment manager.

Table B.3.A – Construction Phase Stormwater Management Design Objectives

Issue	Design objectives
Drainage control	
Temporary drainage works	1. Design life and design storm for temporary drainage works: <ul style="list-style-type: none"> ▪ Disturbed area open for <12 months—1 in 2-year ARI event ▪ Disturbed area open for 12–24 months—1 in 5-year ARI event ▪ Disturbed area open for > 24 months—1 in 10-year ARI event 2. Design capacity excludes minimum 150 mm freeboard 3. Temporary culvert crossing—minimum 1 in 1-year ARI hydraulic capacity
Erosion control	
Erosion control measures	1. Minimise exposure of disturbed soils at any time 2. Divert water run-off from undisturbed areas around disturbed areas 3. Determine the erosion risk rating using local rainfall erosivity, rainfall depth, soil-loss rate or other acceptable methods 4. Implement erosion control methods corresponding to identified erosion risk rating
Sediment control	
Sediment control measures Design storm for sediment control basins Sediment basin dewatering	1. Determine appropriate sediment control measures using: <ul style="list-style-type: none"> ▪ potential soil loss rate, or ▪ monthly erosivity, or ▪ average monthly rainfall 2. Collect and drain stormwater from disturbed soils to sediment basin for design storm event: <ul style="list-style-type: none"> ▪ design storm for sediment basin sizing is 80th% five-day event or similar 3. Site discharge during sediment basin dewatering: <ul style="list-style-type: none"> ▪ TSS < 50 mg/L TSS, and ▪ Turbidity not >10% receiving waters turbidity, and ▪ pH 6.5–8.5
Water quality	
Litter and other waste, hydrocarbons and other contaminants	1. Avoid wind-blown litter; remove gross pollutants 2. Ensure there is no visible oil or grease sheen on released waters 3. Dispose of waste containing contaminants at authorised facilities
Waterway stability and flood flow management	
Changes to the natural waterway hydraulics and hydrology	1. For peak flow for the 1-year and 100-year ARI event, use constructed sediment basins to attenuate the discharge rate of stormwater from the site

B.4 Cultural Heritage Code

Purpose

The cultural and spiritual values of places of cultural heritage significance are conserved for the benefit of community and future generations.

Application

This Code applies to assessing development on, or adjacent to a known or suspected place of cultural heritage significance.

Overall Outcomes

The purpose of the code will be achieved through the following overall outcomes:

- development on or adjacent to a place of cultural heritage significance is compatible with the values of the place by:
 - » retaining places of cultural heritage significance;
 - » ensuring port operations do not diminish the values of places of cultural heritage significance; and
 - » protecting, as far as practicable, the context and setting of a place of cultural heritage significance; and
- providing, as far as practicable, Traditional Owners with ongoing access to places of indigenous cultural heritage significance.

Criteria for Assessment

The following table sets the assessment criteria for self-assessable and assessable development.

Table B.4 Performance and Acceptable Outcomes

Performance Outcome	Acceptable Outcomes
PO1. Development is compatible with the conservation and management of a place of cultural heritage significance.	AO1.1 Development on the site of places of cultural heritage significance (or suspected places) is not undertaken unless: <ul style="list-style-type: none"> ▪ where applicable, the Traditional Owner representatives have been consulted and support the development; and ▪ development is located, designed and constructed in a manner that does not adversely affect the heritage significance of the place including its context, setting, appearance and archaeology.
	AO1.2 Sites of historical significance are investigated prior to any development occurring on or near those sites.

Performance Outcome	Acceptable Outcomes
<p>PO2. Where development adjoins a place of cultural heritage significance, development is compatible with the conservation and management of a place of cultural heritage significance.</p>	<p>AO2.1 Development adjoining the site of places of cultural heritage significance (or suspected places) is not undertaken unless:</p> <ul style="list-style-type: none"> ▪ where applicable, the Traditional Owner representatives have been consulted and support the development; and ▪ development is located, designed and constructed in a manner that does not adversely affect the heritage significance of the place including its context, setting, appearance and archaeology.
<p>PO3. Development does not reduce access to places of cultural heritage significance.</p>	<p>AO3.1 Access for indigenous persons to places of indigenous cultural heritage significance is provided and maintained where consistent with Port’s workplace health and safety requirements.</p>

B.5 Infrastructure and Services Code

Purpose

All development is safely and efficiently serviced by and connected to infrastructure.

Application

This Code applies to assessing all development.

Overall Outcomes

The purpose of the code will be achieved through the following overall outcomes:

- the standards of water supply, waste water treatment and disposal, electricity supply and telecommunications meets the needs of the development;
- infrastructure is provided in a timely manner to support new development;
- the integrity of existing infrastructure is maintained; and
- development does not increase risk to community health or safety, or the operation and reliability of electricity infrastructure.

Criteria for Assessment

The following table sets the assessment criteria for self-assessable and assessable development.

Table B.5 Performance and Acceptable Outcomes

Performance Outcome		Acceptable Outcomes	
PO1.	The cost of providing or connecting infrastructure to new development is the responsibility of the Lessee.	AO1.1	The Lessee and Ports North enter into an agreement regarding the provision and funding of infrastructure and services.
PO2.	Infrastructure utilities and services, accommodates future planned development or any other infrastructure or services.	AO2.1	The design and operation of all infrastructure and services does not compromise existing or future development or the provision of infrastructure.
PO3.	Development is provided with an adequate, safe and reliable supply of potable, fire fighting and general use water.	AO3.1	The premise is connected to a reticulated water supply system. OR Where a reticulated water supply system is not available to the premises, on site water storage tank/s, with a minimum capacity to the satisfaction of the Assessment Manager, is provided.
PO4.	Development is provides for the treatment and disposal of effluent.	AO4.1	The premises is connected to a reticulated sewerage treatment system. OR

Performance Outcome		Acceptable Outcomes	
			Where a reticulated sewerage treatment system is not available, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 2009</i> ; and The proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act 2002</i> .
PO5.	Development is provided with a source of power that will meet its energy needs.	AO5.1	A connection is provided from the premises to the electricity distribution network.
PO6.	Development is connected to a telecommunications service.	AO6.1	The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.
PO7.	Infrastructure is able to be appropriately maintained.	AO7.1	Access points for reticulated infrastructure are provided in accordance with the relevant standards or Ports North guidelines as adopted.
		AO7.2	A Maintenance Plan is entered into between the Lessee and Ports North regarding a lessee's responsibility for maintenance of on and off-site connections to infrastructure.
		AO7.3	Development over underground services and utilities is only permitted with the approval of Port's North or the infrastructure provider.

B.6 Parking and Access Code

Purpose

Transport infrastructure supports a safe, efficient transport network and that sufficient access, manoeuvring areas and vehicular parking is provided to service the demand of the development.

Application

This Code applies to assessing all development.

Overall Outcomes

The purpose of the code will be achieved through the following overall outcomes:

- development contributes to a safe and efficient transport network.
- the function and efficiency of the port is protected and enhanced through effective movement systems (including vehicular and pedestrian access).
- on-site vehicle parking is provided to accommodate the demand generated by development.
- the safety of employees and visitors accessing port land and adjacent sites is protected.

Criteria for Assessment

The following table sets the assessment criteria for self-assessable and assessable development.

Table B.6 Performance and Acceptable Outcomes

Performance Outcome		Acceptable Outcomes	
Transport Network			
PO1.	Development supports the road hierarchy for the Port and surrounding area.	AO1.1	Development does not compromise the safety and efficiency of the road network
Parking, Manoeuvring and Circulation			
PO2.	The transport of goods and materials to and from the site does not adversely affect the movement of traffic on roads adjacent to the site.	AO2.1	All vehicles are contained within the site when loading and unloading.
		AO2.2	Manoeuvring area is provided on site to allow a medium rigid vehicle (MRV) to enter and exit the site in forward gear.
Service Vehicles			
PO3.	Access, internal circulation and on-site parking for cars and service vehicles, including for waste collection, are designed and constructed so that they allow for the safe and convenient movement of pedestrians and other vehicles on the site.	AO3.1	Access driveways, vehicle manoeuvring and on-site parking for cars and service vehicles are designed and constructed to be fit for purpose. <i>Note:</i> AS2890.1, AS2890.2 and AS2890.6 provide design guidance for parking and circulation.

Performance Outcome		Acceptable Outcomes	
		AO3.2	The movement of service vehicles and service operations are designed to not impede access to parking spaces or impede pedestrian and vehicular movement.
Vehicle Parking			
PO4.	On-site vehicle parking is provided to accommodate the demand generated by the development.	AO4.1	No acceptable outcome provided. Note: Indicative guidance for parking provision is outlined in Table B.6.A

Table B.6.A Indicative Vehicular Parking Rates

Land Use	Minimum Number of Vehicle Spaces	Minimum Number of Accessible Vehicle Parking Spaces
Marine Industry	The greater of: <ul style="list-style-type: none"> ▪ 1 space per 100m² of GFA; or ▪ 1 space per employee at the time of peak accumulation. 	1 space for every 100 car parking spaces or part thereof.
Office	1 space per 50m ² of GFA	1 space for every 100 car parking spaces or part thereof.
Port Services	The greater of: <ul style="list-style-type: none"> ▪ 1 space per 100m² of GFA; or ▪ 1 space per employee at the time of peak accumulation. 	1 space for every 100 car parking spaces or part thereof.
Warehouse	1 space per 100m ² of GFA	1 space for every 100 car parking spaces or part thereof.
Other	Sufficient spaces to accommodate the number of vehicles likely to be parked at any one time as determined by the Assessment Manager.	As determined by the Assessment Manager.

Note:

- Where the number of vehicle parking spaces is not a whole number the number of spaces to be provided is the next highest whole number.
- Where the development involves one or more land uses, the minimum number of spaces to be provided will be calculated using the minimum number of spaces specified for each individual land use.